

EXHIBIT K

Pages 1-175
Exhibits 8-22

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
C.A. NO.: 3:16CV30179-MGM

JEAN WILLIAMS, on behalf
of herself and all similarly
situated individuals,

Plaintiff,

v.

CITY OF SPRINGFIELD

DEPARTMENT OF PUBLIC WORKS,

Defendant.

DEPOSITION OF JOHN ROONEY
AS 30(b)(6) DESIGNEE
CITY OF SPRINGFIELD
DEPARTMENT OF PUBLIC WORKS
TAKEN MARCH 1, 2018
AT THE LAW OFFICES OF
BRODEUR-McGAN, P.C.
1380 MAIN STREET
SPRINGFIELD, MASSACHUSETTS

Reporter: Raymond F. Catuogno, Jr.

1 MS. SHEEHAN: I'll go through
2 Schedule A and B in order to make maybe
3 this a little quicker. Mr. Rooney is here
4 and can testify as to Numbers 1, 2, 3, 4,
5 5, 6, 7, and 8 from the period of time
6 of -- I believe two through eight talks
7 about 2012 to the present. And Mr. Rooney
8 can testify from snow season 2012 up until
9 approximately snow season 2013.
10 Mr. DeSantis can testify from
11 approximately snow season 2013 until the
12 present on Numbers 2 through 8. As far as
13 Number 1 goes, from 2010 to the present,
14 Mr. Rooney can testify as to the gender of
15 all snow route inspectors from 2010 up
16 until snow season 2013. Mr. DeSantis can
17 testify as to the gender of all snow route
18 inspectors from 2013 to the present. As
19 for the specific identities of all snow
20 route inspectors from 2010 to 2012, Mr. --
21 I mean snow season 2013, Mr. Rooney can
22 testify as to the identities of all snow
23 inspectors from snow season 2012 up until
24 around snow season 2013. He can testify

1 in a general way who was the snow route
2 inspector in -- or who were snow route
3 inspectors from 2010 to 2012, but we will
4 provide a list of those particular
5 individuals. However, at that time, snow
6 route inspecting was part of the foreman's
7 job description and there was not a
8 separate designation.

9 As far as the documents for
10 Schedule B, he has reviewed those
11 documents that correspond with the time
12 that he was, if you will, the deputy
13 director in charge of, as one of his
14 responsibilities, snow. So that would be
15 the period of time from at least 2010 up
16 until approximately
17 October/November/December of 2013 when
18 Mr. DeSantis was moving into that role and
19 Mr. Rooney was mentoring him as he moved
20 into that role.

21 MS. BRODEUR-McGAN: So with
22 respect to your colloquy about Schedule A,
23 Number 1, when referring to the identity
24 of all snow route inspectors for the City

1 director, whether or not you had to post to
2 invite people to apply for snow inspector roles?

3 A. I think it was 2012 we created the
4 job description to post for additional snow
5 inspectors because our DPW numbers were getting
6 insufficient to cover the position.

7 Q. Okay. So what I want to talk about
8 then is that moment in time before you had to
9 post for snow inspectors. All right. And I am
10 going to go through a few years.

11 So if the posting -- and let's
12 assume for a second the posting was in 2012 for
13 snow inspectors. What was going on in 2011?
14 How was the City using people to perform the
15 snow inspection role?

16 A. Historically, the foreman's union
17 and engineering union were used for snow
18 control, snow inspection/snow control,
19 predominantly the foreman's union. It was part
20 of their job description. And the engineers
21 were always able to, but most of them chose not
22 to at that point in time.

23 Q. And can you just describe for me
24 what a -- both foremen and engineering, those

1 Q. And that exact language, those
2 three paragraphs that you read, did any of that
3 information or details come from you to the City
4 in order to get given to the MCAD?

5 A. Come from me directly, no.

6 Q. Okay. So this is what I'm getting
7 at and I just want to ask some historical
8 questions for you. When the postings occurred
9 for the job of snow route inspector in September
10 of 2012, who made the decision that there needed
11 to be postings so that you could hire additional
12 people?

13 A. I will say it was a group of
14 myself, the director, probably labor relations
15 was involved, to come up with a process that was
16 acceptable.

17 Q. Okay. And was there a specific
18 event that occurred that made you realize or
19 others realize that you needed to have new
20 people come in and do the snow inspector job?

21 A. I was probably sounding the whistle
22 based on concerns of not having enough people
23 for the upcoming year.

24 Q. And had there been a particular bad

1 snowstorm in February of 2012 that caused that
2 alarm?

3 A. I don't specifically recall.

4 Q. Okay. And in the snow season 2011
5 to 2012, do you remember how many people were
6 performing the function of inspecting the roads?

7 A. I don't remember the specific year
8 that I changed it from fifteen to twenty.

9 Q. Okay. And is there anything that
10 would tell us -- anything you could look up that
11 would tell you when it changed from fifteen to
12 twenty?

13 A. Nothing that I can look up.

14 Q. Well, anything that the City could
15 look up in your old documents?

16 A. They could probably find something
17 out there if it exists.

18 Q. And where would they look?

19 A. In that snow directory that you
20 referred to --

21 Q. Okay.

22 A. -- or an old copy of my files.

23 Q. Hard copy?

24 A. No.

1 Q. It would all be electronic?

2 A. It would be electronic if it
3 existed.

4 Q. And at some point you said -- and
5 again, this is prior to 2010/11 snow season.
6 There were fifteen or twenty persons that

7 performed the inspection of snow?

8 A. I made the change from fifteen to
9 twenty inspectors during my tenure.

10 Q. And you just don't remember what
11 year that was?

12 A. I do not recall.

13 Q. And when you added -- that
14 essentially made the routes smaller, correct?

15 A. Correct.

16 Q. And did you have to change a map
17 when you did that?

18 A. Yes.

19 Q. Is there a map attached to
20 Exhibit 9 that would have refreshed your memory
21 about that?

22 A. I don't see a map.

23 MS. SHEEHAN: He has it. I
24 don't have it on mine.

1 A. There are two maps that show the
2 change from fifteen to twenty.

3 Q. Okay. And this is attached to
4 Exhibit 9, correct?

5 A. Correct.

6 Q. And do these maps say what year
7 they are?

8 A. I don't see it on there, no.

9 Q. Do you know from looking at them
10 what year that would be in?

11 A. No.

12 Q. Could you tell from looking at
13 lists what year they would be in? For instance,
14 could you reverse engineer the chart that has
15 the names on it to determine what year that
16 would have occurred in?

17 A. No.

18 Q. Okay. And do you remember when you
19 had fifteen names on the list for purposes of
20 performing the function of snow inspection --
21 well, let me ask you this: In 2009, was there a
22 map that would have had the snow routes and a
23 chart that would have names next to it?

24 A. I would assume so, yes.

1 Q. And would that also have existed in
2 2008?

3 A. Yes.

4 Q. Okay. And how about 2011?

5 A. Yes.

6 Q. Okay. So even though there wasn't
7 a job title called snow route inspector in 2008,
8 '09, '10, and '11, there still would have been a
9 snow route map, correct?

10 A. Correct.

11 Q. And there still would have been a
12 list of people that were in charge of inspecting
13 the zone or the section on that snow route map?

14 A. Correct.

15 Q. And maybe their titles were not
16 snow inspector, but during those time frames
17 they were performing the functions of snow
18 inspector?

19 A. They were performing the functions
20 of a foreman.

21 Q. Okay. But that included snow
22 inspection?

23 A. Correct.

24 Q. Okay. And these people that were

1 on the list that were performing the function of
2 foreman that were doing snow inspection, they
3 were all DPW employees?

4 A. Yes.

5 Q. So I'm going to show you my cheat
6 sheet now.

7 MS. BRODEUR-McGAN: Let's mark
8 this as Exhibit 10.

9 (Exhibit 10, List, marked for
10 identification)

11 Q. (By Ms. Brodeur-McGan) Sir, I'm
12 going to explain to you how this is divided and
13 I'm going to use some tools.

14 MS. BRODEUR-McGAN: Let's mark
15 these as Exhibits 11 and 12.

16 (Exhibit 11, Answers to Interrogatories
17 dated February 20, 2018; Exhibit 12,
18 Answers to Plaintiff's Second Set of
19 Interrogatories dated February 23, 2018,
20 marked for identification)

21 Q. (By Ms. Brodeur-McGan) Sir, I'm
22 going to first show you Exhibit Number 11.
23 Exhibit 11 purports to be Answers to
24 Interrogatories dated February 20 -- and there's

1 Adjustment for Pay Date 12/29/2012 and then it
2 has lists of names on this document. Do you
3 recognize this document?

4 A. I do.

5 Q. Tell me what this document is.

6 A. This was the DPW's mechanism for
7 paying employees not within the DPW.

8 Q. Okay. And this document, that only
9 represents a one-week period, correct?

10 A. That's correct.

11 Q. Not a one-day. It's a pay period
12 of the date that's shown?

13 A. It's a pay period, but it probably
14 happened over one day.

15 Q. Over one day. And this document
16 says, "Training as snow inspector (25 dollars)"
17 next to the first name, Dave Cotter, correct?

18 A. Correct.

19 Q. Do you know if Dave performed snow
20 inspection training in December of 2012?

21 A. I would say he did.

22 Q. Okay. Do you have a memory of
23 that?

24 A. I remember Dave Cotter working

1 every chance he could work.

2 Q. Okay. And how about O'Connor,
3 Keith? Do you remember him working?

4 A. I remember him working for me as a
5 snow inspector.

6 Q. Okay. And these names are not DPW
7 employees, correct?

8 A. Correct.

9 Q. So these names -- and let's just
10 use this one page, the one that says December
11 29, 2012. Had these names worked for you prior
12 to the 2012/2013 snow season?

13 A. I would say no.

14 Q. Okay. And again, same question
15 just a little bit different: Prior to the
16 2012/2013 snow season, prior to that, did you
17 use non-DPW employees to perform the function of
18 snow inspecting?

19 A. No.

20 Q. None?

21 A. Not that I recall.

22 Q. How about Luiz Martinez -- or
23 excuse me, Juan Martinez in Housing?

24 A. Not to my knowledge.

1 paragraph of Page 2. It says, "As the posting
2 stated, the Department of Public Works intended
3 to hire twenty primary and twenty backup snow
4 route inspectors for the seasonal intermittent
5 position. While that was the original number
6 intended, everybody who applied made it to the
7 list. The list now consists of twenty-six
8 primary and thirty-one secondary inspectors. A
9 copy of this list is attached as Exhibit 3.
10 There are five women on the list of secondary
11 inspectors. Last winter Jean was one of the
12 women called during the snowstorms to be trained
13 as a snow inspector."

14 Okay. So let's break those things
15 down. The City is representing that after the
16 posting there were multiple people as primary,
17 multiple people as secondary. And Exhibit 3 is
18 the list of primary and secondary?

19 A. I don't believe that we required
20 existing foremen and existing people doing the
21 process to reapply and call them snow
22 inspectors, but --

23 Q. Okay.

24 A. -- because that was already their

1 job.

2 Q. Okay. And how many people that it
3 was already their job that didn't have to apply
4 is on the Exhibit 3 list?

5 A. I can almost picture like Charles
6 Sumaris (phonetic) applying because he thought
7 he had to and didn't understand the process, so
8 some of these people may have applied even
9 though it wasn't necessary.

10 Q. How many people did you have to
11 perform the snow inspection function that were
12 already working for the DPW that didn't need to
13 apply?

14 A. I will say approximately fifteen
15 out of the twenty.

16 Q. And what do you mean by that,
17 fifteen out of the twenty? So you had a pool of
18 about fifteen people that would continue to
19 perform the function of snow inspecting that
20 already worked for the DPW?

21 A. There were -- as stated earlier,
22 there was a precedence set. You know, it was
23 union work, foreman's work. Those people
24 wouldn't necessarily have to apply because we

1 couldn't take that work away from them.

2 Q. But some of those people didn't
3 want to do the work?

4 A. It was required as their job.

5 Q. Okay. So how many of them that it
6 was required for their job did you have in the

7 stables in September of 2012 to perform the
8 function of snow inspector?

9 A. I'd have to see the DPW roster by
10 title to answer that.

11 Q. Okay. So do you know how many more
12 people you believed you needed in the snow
13 season '12 into '13?

14 A. I believe I needed a backup or
15 secondary inspector for every route, so at least
16 twenty.

17 Q. Okay. So in the posting for
18 September of 2012, that was for the 2011 into
19 '12 snow season, correct?

20 A. No.

21 Q. Okay. So the posting for September
22 of 2012 is for '12 and '13?

23 A. Correct.

24 Q. Okay. And so that posting said

1 they applied to this, that were not DPW -- would
2 they have an opportunity of being a primary
3 inspector?

4 A. That was a possibility, sure.

5 Q. Okay. And how was that going to be
6 determined?

7 A. Job performance.

8 Q. Okay. And who was going to
9 determine it?

10 A. Myself at the time when I was
11 working.

12 Q. Okay. And again, this is in the
13 2012 -- like October 2012 time frame, correct?

14 A. Correct.

15 Q. So prior to October of 2012, you at
16 the DPW already had non-DPW people performing
17 the function of inspecting snow?

18 A. Okay.

19 Q. I'm asking you.

20 A. Yes.

21 Q. Okay. So let me ask that again. I
22 just want to make sure I have it right. The DPW
23 had non-DPW employees, prior to October 2012,
24 performing the function of snow inspecting?

1 A. It's a double-sided question in
2 that there wasn't an official title, so prior to
3 that they couldn't have been doing snow
4 inspecting because the position wasn't created.

5 Q. Well, see, that's where I'm having
6 a problem here. So I understand the position --
7 I've heard from your attorney that the position
8 wasn't created.

9 A. Right.

10 Q. Okay. But I've heard from you,
11 sir, today, that there was people performing the
12 function of inspecting snow that were not DPW
13 people prior to October 2012?

14 A. That would be because I even called
15 my foremen snow route inspectors for the
16 process.

17 Q. What do you mean by that?

18 A. Even if they were foremen, I called
19 them a snow route inspector for that purpose.

20 Q. But my point is there were non-DPW
21 people that were performing the function of
22 actually inspecting snow routes prior to
23 September of 2012?

24 A. Or training for that position.

1 Q. Or training for that position prior
2 to September 2012?

3 A. Yes.

4 Q. And so that's how you knew there
5 was a problem with disparity of pay, because
6 these people that came in that were training
7 prior to September of 2012 were getting paid
8 more than some of the experienced people?

9 A. That's correct.

10 Q. So we know -- you know, sitting
11 here today, prior to September 2012, there were
12 non-DPW people performing the functions of snow
13 route inspections?

14 A. Or training for the position, yes.

15 Q. Or training. Okay. So can you
16 tell me how you picked -- or the City picked the
17 persons who were going to train to inspect the
18 snow routes prior to September of 2012?

19 A. If they applied or expressed an
20 interest to me, they were on the list.

21 Q. And what list would they be put on?

22 A. Trainee, if there was such a list.
23 There was a list of names and I couldn't train
24 them -- if there were twenty-six applicants, I

1 could only train twenty at a time.

2 Q. Okay. So do you remember prior
3 to -- let me ask you this: Prior to September
4 2012, October 2012, did people apply to perform
5 the function of snow route inspection?

6 A. No. There was nothing to apply
7 for. They were asked if they were interested or
8 expressed an interest, hey, how do I become a
9 part of this.

10 Q. Okay. So prior to September 2012,
11 either they were asked to perform the function
12 or they inquired about it?

13 A. I would say most of them inquired.

14 Q. Okay. And so how would you put
15 them on your payroll as the DPW Director --
16 Deputy Director if they inquired and wanted to
17 be trained? What would they be listed as?

18 A. Whatever their title was.

19 Q. Their other title with the salary?

20 A. Right.

21 Q. So for instance, Philip Dromey in
22 Economic Development, he would just be listed as
23 Economic Development, but the DPW would pay him
24 to train?

1 A. That's correct.

2 Q. And the same with Mark Hebert?

3 A. Yes.

4 Q. Okay. Do you remember -- if you
5 can look at the list of names that are attached
6 to Exhibit 10. That's my cheat sheet. And I'm
7 only asking you to look at the non-DPW
8 employees. Of those persons named, the non-DPW
9 employees, can you tell me the people that
10 trained prior to September 2012 in any period
11 for snow route inspecting?

12 A. I cannot.

13 Q. Do you recognize any of them?

14 A. I recognize them, but some came
15 late, some came day one. You know, I could name
16 a few that were -- Dave Cotter was up front. He
17 was right there from the beginning.

18 Q. So he trained, you think, from the
19 beginning?

20 MS. SHEEHAN: What's the
21 beginning? Let's get some dates here.

22 A. During the season of --

23 MS. SHEEHAN: Make sure you're
24 not guessing. I'm sure she does not want

1 that.

2 Q. Okay. And would you be willing to
3 access the City's records that were your records
4 to be able to testify to that question, Exhibit
5 A, Number 1?

6 MS. SHEEHAN: If they exist,
7 go ahead.

8 A. If the City can produce them.

9 Q. Okay. And you didn't try to do
10 that before today, correct?

11 A. I don't have the ability to do
12 that, no.

13 Q. And you didn't ask the lawyer to do
14 that?

15 A. No.

16 Q. Did the lawyer tell you to do that?

17 A. No.

18 Q. Okay. And so you can't give me a
19 list of who the snow route inspectors were for
20 the season 2010 to '11, correct?

21 A. Correct.

22 Q. And you can't give me the list of
23 snow route inspectors from 2011 to 2012,
24 correct?

1 A. Well, right here, no, I can't. But
2 if they asked me to and they existed, I could.

3 Q. Okay. But you can't do it right
4 now?

5 A. I can't, right.

6 Q. Okay. And for snow season 2012 to
7 2013, you cannot list for me the identity of the
8 persons performing the function of snow
9 inspection for that period either?

10 A. No.

11 MS. SHEEHAN: Well, wait a
12 second. Wait a minute.

13 THE WITNESS: 2012/2013?

14 MS. BRODEUR-McGAN: Correct.
15 Okay. Can I see this chart?

16 MS. SHEEHAN: Right here.

17 MS. BRODEUR-McGAN: No. I
18 object to you giving him a document and
19 pointing out exhibits to him. Either he
20 can or he can't testify. I object to you
21 giving him exhibits and saying, yes, you
22 can and then guiding this witness to
23 testify to it.

24 MS. SHEEHAN: I provided that

1 So Exhibit 8, Number A2, Letter A2, I asked for
2 the criteria used in the selection of snow route
3 inspectors for the City of Springfield from 2011
4 to present. So can you tell me about how people
5 were selected or the criteria for selection for
6 people to become a snow route inspector?

7 A. If they applied for the position,
8 they were selected.

9 Q. Okay. So if there's an
10 application, they were on the list?

11 A. Application being verbally, not
12 necessarily a letter requesting to be
13 considered.

14 Q. Were any people who applied in
15 writing not placed on the list?

16 A. Not to my knowledge.

17 Q. Okay. And again, just for the snow
18 season '12 to '13, you believe that anybody who
19 either verbally expressed an interest or in
20 writing applied would have been placed on a list
21 for being a snow route inspector?

22 A. Could you repeat the question?

23 Q. Sure. Basically, I'm getting at,
24 if they applied verbally or in writing, they

1 would be on the list?

2 A. To the posting, yes.

3 Q. Okay. And you didn't cut anybody?

4 A. No.

5 Q. And when you said they would be on

6 the list, how did you differentiate between who

7 would be on -- or actually let me ask you this:

8 Was a primary and secondary list created?

9 MS. SHEEHAN: In '12 and '13?

10 MS. BRODEUR-McGAN: In '12 and

11 '13?

12 A. I always had a primary and an
13 alternate. There wasn't always a direct
14 correlation as to -- there was an alternate for
15 every primary. Does that answer your question?

16 Q. Yes and no. You used the word
17 "alternate". I've heard three other terms,
18 backups, spares, and secondaries.

19 A. They're all interchangeable.

20 Q. Okay. So one time you talked about
21 a backup being different than a spare. Like a
22 spare is double extra?

23 A. When we had a surplus, yes, because
24 people needed to know that they were going to be

1 Q. Do you specifically remember Jean
2 Williams applying?

3 A. Yes.

4 Q. And did you have a conversation
5 with her about it?

6 A. Probably. I had a conversation
7 with everybody.

8 Q. And do you remember the
9 conversation with her?

10 A. Specifically, no.

11 Q. And how was your relationship with
12 Jean Williams, good, bad, indifferent?

13 A. I would say fine.

14 Q. And do you ever recall her
15 expressing an interest to make \$25 an hour
16 because she was making less?

17 A. Specific dollar amounts, no.

18 Q. Do you ever remember her expressing
19 a passion for wanting to do it because she
20 really needed the money?

21 A. I'll just say that she expressed an
22 interest to work overtime in other areas that
23 weren't viable for her as far as just -- there
24 was never opportunity there.

1 Q. Okay. And so this was viable for
2 her though, the snow inspection position,
3 correct?

4 MS. SHEEHAN: Objection to the
5 form.

6 A. Correct.

7 Q. And you specifically remember that
8 she was put on a list?

9 A. I specifically remember her
10 training, yes.

11 Q. Okay. Do you remember if she was
12 put on a primary list or a secondary list?

13 A. It wouldn't have been a primary
14 list.

15 Q. Okay. Do you remember, in 2012,
16 after the posting, if you added new primaries
17 that were not DPW people?

18 A. I don't recall.

19 Q. Sumaris, who was he?

20 A. Charles Sumaris was a foreman in
21 the Solid Waste Division.

22 Q. Do you remember him performing the
23 function of snowplow inspector prior to the
24 2012 --

1 A. Prior to, yes.

2 Q. Do you know if Sumaris was listed
3 as a primary for the 2012/2013 season?

4 A. I'm going to say yes. 2012/2013?

5 Q. Correct.

6 A. Yes.

7 Q. What are you looking at? You're
8 looking at Exhibit --

9 A. I'm looking at thirteen and
10 fourteen.

11 Q. Okay. So you're looking at
12 Exhibit 13. And what document are you looking
13 at?

14 A. He did have an illness at one point
15 and was out sick for an extended period of time,
16 so he may have been removed from the list
17 because he wasn't available at some point. I do
18 recall an illness on his account.

19 Q. Could I see this for a second?

20 A. Yes.

21 Q. So the attachments that are behind
22 Exhibit 13 that say -- that have a larger chart
23 that say 2013 to 2014, do you recognize these
24 documents --

1 A. Yes.

2 Q. -- or that document?

3 A. Yes.

4 Q. Is that something that you had in
5 existence when you were there as Director?

6 A. Yes.

7 Q. And the multiple names that are on
8 the bottom of that chart, what are those names?
9 Are those backups, secondaries, alternates?

10 A. They are people that applied and I
11 see that they are grouped differently.

12 Q. And that's what I was going to ask
13 you. What's the significance of the grouping
14 and how do I read that document?

15 A. I can't say for sure. It almost
16 appears -- I would only be guessing, so I can't.

17 MS. SHEEHAN: Don't guess.

18 Q. (By Ms. Brodeur-McGan) So are
19 there any documents that you know for sure were
20 in existence that's in Exhibit 13 or any of the
21 other ones that we looked at that list who your
22 primaries were for '12 and '13 and who the
23 secondaries were?

24 A. It was a living document. In other

1 words, at the beginning of the season, the
2 primaries were established based on the prior
3 year. And we'll use Charles Sumaris as the
4 example. So he took ill, let's say, in January
5 as an example. He needed to be replaced. And
6 if it was going to be -- he was going to be out
7 for three months. It was a long-term illness,
8 as I recall. Somebody else's name would have
9 been filled into that slot at some point during
10 the year, so the document changes.

11 Q. Okay. And this is how you
12 performed it?

13 A. This is how I did it, right. So as
14 it changed, the previous version of it wouldn't
15 have been saved because the only thing that
16 mattered was the current status. I needed to
17 know who to call for the next snowstorm.

18 Q. Okay.

19 A. So if this person was out of the
20 rotation for whatever reason, he was removed --
21 he or she was removed from the list and somebody
22 else was added in.

23 Q. Okay. So just using Sumaris as an
24 example, what I'll represent to you is he's on a

1 list for a primary, but all of the pay records
2 that have been produced -- he didn't get paid
3 for snow route inspection for 2012, '13, '14,
4 '15, '16, '17?

5 A. Well, he retired somewhere in there
6 also after the illness.

7 Q. Okay. By your example though, if
8 he was not working in that function, he should
9 have been removed from a primary list and
10 somebody else put in his place?

11 A. Once we knew that it was going to
12 be long-term, yes.

13 Q. Okay. So when you don't know it's
14 long-term and focusing on the year 2012 to 2013,
15 how would you know who to call as the backup?

16 A. The way I kept the list, there was
17 a person across from him. This looks like a
18 partial of it here.

19 Q. Let's open that up.

20 A. So what I would have is one person
21 listed here for every twenty here.

22 Q. Okay.

23 A. So if Charles Sumaris was
24 unavailable, Tom McCall was trained in that

1 area. He would be my primary backup. I hate to
2 use the words twice.

3 Q. Please don't give me any more
4 terms.

5 A. But he would be the first guy I
6 would call to fill in for him because he trained
7 in that section and most likely was more
8 familiar with it than anybody else.

9 Q. Okay. So Jean Williams is on this
10 list, right?

11 A. Okay. She was with George Laroe,
12 yes.

13 Q. So she would be called if George
14 wasn't in?

15 A. Correct, yes. After -- yes, that's
16 correct.

17 Q. Okay. And so if George is not on
18 payroll for three storms, then we should see --
19 for the 2012/2013 snow year, we should see Jean
20 Williams?

21 MS. SHEEHAN: Well, this is
22 '12 to '13. That's a different --

23 MS. BRODEUR-McGAN: He's using
24 it as an example, so --

1 A. Say the question again.

2 MS. BRODEUR-McGAN: Can you
3 repeat my question?

4 (Question read by reporter)

5 A. No. 2012/2013, depending on if she
6 completed her training.

7 Q. Okay.

8 A. You know, I don't know when this
9 was created or when this final draft of this --
10 the original was created before the season
11 began, but, as I said, names changed.

12 Q. Okay. So what we're looking at,
13 this says DPW snow routes 2013 to '14?

14 A. Correct.

15 Q. We have three zones with twenty
16 primaries in here, and then we have names on the
17 right, correct?

18 A. Correct.

19 Q. And Jean Williams is on the right
20 of this snow season, 2013/2014, for Laroe,
21 correct?

22 A. Correct.

23 Q. So if Laroe is out for 2013 to '14,
24 Jean Williams would not come in and work for

1 him?

2 A. She would be my first choice. But
3 I also note there is no phone number listed
4 there, so was a phone number provided to reach
5 her at? I don't know. I didn't create the
6 final version of this document.

7 Q. Okay. And as another example,
8 Jacob Seldin, is he on that list?

9 A. Yes.

10 Q. So if he didn't work in 2013 and
11 '14 at all, who would have, using that chart,
12 then worked for him?

13 A. If there's nobody across from him,
14 he would have gone to the spares down here.
15 That's what I would have done.

16 Q. Okay. So you wouldn't go up to
17 these other people. You go down to the spares?

18 A. Correct.

19 Q. Okay. So the route that Laroe did
20 that's listed on the '13/'14 chart, tell me
21 about that route. Is it easy, hard? Do you
22 know anything about it?

23 A. I'm going to say it was one of the
24 more difficult ones, yes.

1 I don't want to put words in his mouth, but it
2 wasn't positive.

3 Q. Do you know how many times George
4 trained Ms. Williams?

5 A. I know of at least twice because he
6 asked if he wouldn't have to do it again, and I
7 made him do it again at least a second time.

8 Q. And did you make any efforts to put
9 another trainer with Ms. Williams or put her in
10 a less difficult area?

11 A. I recall being in desperate need.
12 And as I recall it, she didn't have a third
13 training and I was desperate for employees and I
14 teamed her up with another rookie because I just
15 didn't have -- when I say "rookie," it's another
16 person who hadn't completed their training. I
17 didn't want to put either one of them out there
18 alone not being able to do the job. So I
19 figured if I put the two together, the two of
20 them could do it.

21 Q. And who did you put together? Was
22 it Sheila?

23 A. I don't think it was Sheila.

24 Q. Was it a woman?

1 A. It was another woman, yes.

2 Q. I'll tell you that I went through
3 the pay records, once again, that were already
4 produced. And it's on my chart, Exhibit 10, and
5 there's no other women on this chart for who got
6 paid to perform a function of snow route
7 inspection?

8 A. I have a specific recollection of
9 the two of them working together.

10 Q. You don't remember her name?

11 A. I can't tell you the date and -- if
12 you showed me the -- all the applicants, I'm
13 sure I could pick it out of the list.

14 Q. Well, I can tell you --

15 A. It's like on the tip of my tongue.
16 Maggie something.

17 Q. You don't remember Maggie's last
18 name?

19 A. I do not. She was not with the
20 DPW.

21 Q. Do you know who she worked for?

22 A. I want to say Code Enforcement.
23 Maggie Rodriguez, I think.

24 Q. And do you know if she worked in

1 2011, like the prior snow season?

2 A. I don't believe so, no.

3 Q. And how about after '13/'14?

4 A. After the application was posted,
5 that's when she expressed her interest.

6 Q. Okay. So I don't have an
7 application for Maggie Rodriguez. You recall
8 her applying?

9 A. That's my recollection.

10 Q. Okay. And she's not on any of the
11 pay lists, either Exhibit 11 or Exhibit 12, that
12 were provided by the City. Again, here we go,
13 Exhibit 11.

14 A. I would question my own memory at
15 this point. I'm not sure if it was Sheila
16 Delgado or not. I recall it was two women.

17 Q. Okay. Well, my next question was
18 going to be -- there was a representation to the
19 Commission that there was five women on the list
20 for snow route inspectors. And again, searching
21 through every document that was produced by the
22 City that's a pay record, there's only two that
23 were paid, Jean and Sheila. Do you have a
24 memory of three other women that actually

1 performed a function of snow route inspection?

2 A. I'm going to say one quit before
3 she even had the opportunity.

4 Q. And who that was?

5 A. I don't recall.

6 Q. Okay. So one quit. Do you
7 remember where she was from?

8 A. I do not. And Jean, Sheila,
9 Maggie -- I can't recall.

10 Q. Do you remember how Sheila did, how
11 she performed?

12 A. My feedback for her performance was
13 good.

14 Q. And who was the trainer person that
15 trained her?

16 A. I don't recall.

17 Q. And do you know if she ever -- I'll
18 represent to you that she only worked in '12 to
19 '13 and '13 to '14 and was never paid again for
20 that job. Do you know why she is no longer a
21 snow route inspector, or hadn't been since the
22 end of the '13/'14 season?

23 A. Somewhere along the line, I was
24 told that the department was no longer able to

1 hire outside of the department.

2 MS. SHEEHAN: Don't guess.

3 A. Well, that's what I was told.

4 Q. Okay. So who told you that?

5 A. Possibly my son.

6 Q. Okay. And how would he know that?

7 A. Because he was no longer allowed to
8 work.

9 Q. Okay. So this is super important,
10 so I'm going to ask again and see if anybody
11 else said that. Do you recall hearing from
12 anybody other than your son that the City DPW
13 was no longer going to use non-DPW employees to
14 perform the function of snow route inspector?

15 A. No.

16 Q. Did you ever hear that the program
17 was disbanded, the program of asking for snow
18 route inspectors to apply?

19 A. I'm going to say yes, somewhere
20 along the line I was made aware of that.

21 Q. Do you know who told you that?

22 A. No.

23 Q. And that did not happen while you
24 were working there still, or did it?

1 that -- by somebody from the City of Springfield
2 that the DPW was no longer going to hire people
3 from outside the DPW to perform the function of
4 snow route inspection?

5 A. That was my belief, yes.

6 Q. Okay. And you think -- but you're
7 not sure -- that, perhaps, part of that belief
8 was based on a conversation you had with your
9 son, John Rooney?

10 A. George.

11 Q. George Rooney. So is part of your
12 belief based on a conversation you had with
13 George?

14 A. That's my recollection, yes.

15 Q. Any other source that your memory
16 recalls people saying the DPW were not going to
17 hire outside of the DPW?

18 A. No.

19 Q. Okay. So looking again at our
20 chart, Exhibit 12, Juan Martinez does not work
21 for the DPW. He is Housing?

22 A. Correct, to the best of my
23 knowledge.

24 Q. And he received pay from 2013 to

1 2018 as recorded by those documents for snow
2 route inspecting?

3 A. Okay. If that's what this
4 represents, yes.

5 MS. SHEEHAN: Where is '18?

6 A. 2017.

7 MS. SHEEHAN: Did you say '18?

8 MS. BRODEUR-McGAN: Well, the
9 '17/'18 snow season.

10 Q. (By Ms. Brodeur-McGan) Is that
11 accurate?

12 A. Yes.

13 MS. SHEEHAN: Well, that's
14 what it says, yes.

15 Q. (By Ms. Brodeur-McGan) So again,
16 this Exhibit 12 was the document that was
17 attached by the mayor to Exhibit 13, right?

18 A. Okay.

19 Q. Well, no, not 13. Where is the one
20 the mayor signed?

21 MS. SHEEHAN: We'll stipulate
22 he signed one.

23 Q. (By Ms. Brodeur-McGan) You
24 remember the mayor attached this?

1 A. Yes.

2 Q. And the mayor is representing these
3 people are snow route inspectors?

4 A. I would have to reread it again.
5 What this represents to me is that they were
6 working some sort of snow operation.

7 Q. Okay. Let's find the mayor's
8 Interrogatory again.

9 MS. BRODEUR-McGAN: Off the
10 record.

11 (A recess was taken)

12 MS. BRODEUR-McGAN: Back on
13 the record.

14 (Exhibit 18, Defendant, City of
15 Springfield Department of Public Works',
16 First Supplemental Answer to Plaintiff's
17 First Set of Interrogatories, marked for
18 identification)

19 Q. (By Ms. Brodeur-McGan) Sir,
20 Exhibit 18 is the Defendant City of Springfield
21 Department of Public Works' First Supplemental
22 Answers to Plaintiff's Second Set of
23 Interrogatories. It is dated on the second
24 page, February 28, 2018. And earlier I was

1 having you look at a document, at the time we
2 thought Exhibit 18 was marked as Exhibit 13.
3 There's some confusion in the record as to
4 whether or not you were looking at this document
5 at the time.

6 Sir, do you remember when I was
7 reading to you the body of the answer to
8 Exhibit 18 out loud in the record saying that
9 the mayor was making representations that the
10 lists attached were workers performing the snow
11 route inspection functions?

12 A. Yes.

13 Q. And then take whatever time you
14 need to get in your head where we're going.
15 You're good? Because we had some off-the-record
16 discussion about marking. So we're talking
17 about Exhibit 18 now.

18 A. Yes.

19 Q. Okay. So after rereading
20 Exhibit 18 and the mayor's answers together with
21 his attachments -- and by the way, his
22 attachments are in our records as Exhibit 11 and
23 Exhibit 12 -- do you believe that these persons
24 that are listed in Exhibit 18, inclusively, were

1 performing the function of snow route
2 inspectors?

3 A. I would question it.

4 Q. Okay. And tell me why.

5 A. Well, I wasn't there during the
6 time, but these printouts can be, if they're
7 done by snow budget, which it appears it is,
8 people in other departments can have operations
9 that could possibly be charged to the snow
10 operations.

11 Q. Okay. Are you familiar with the
12 snow code -- or the code 4616 as being
13 specifically for snow route inspection?

14 A. I do not.

15 Q. Okay. And do you know whether or
16 not -- do you know how the persons created these
17 compilations of documents that are attached to
18 the mayor's Exhibit Number 18?

19 A. I do not.

20 Q. And do you remember earlier I was
21 asking you if you could create a list for me,
22 you? Remember we went through Exhibit A,
23 Number 1, could you give me the list for 2010 to
24 '11, '11 to '12, '12 to '13? I was asking you

1 Q. When was the first time you heard
2 that Ms. Williams was claiming discrimination?

3 A. I don't know that I knew that.

4 Q. Prior to January 2013, did DeSantis
5 tell you that Ms. Williams was claiming that she
6 was left off the list and it was discriminatory?

7 A. No.

8 Q. If Mr. DeSantis testified that when
9 he came in in October of 2013 that he did not
10 run the show, that he really sat back and
11 watched for the entire season, would that be
12 accurate?

13 MS. SHEEHAN: Objection.

14 A. 2013?

15 Q. Yes.

16 A. I don't believe it would be
17 accurate, no.

18 Q. Okay. So I'm going to try to
19 refresh your memory about a few things and tell
20 you a couple of other things, and we can
21 actually look at Mr. DeSantis's testimony.
22 Mr. DeSantis started in October of 2013?

23 A. Mm-hmm.

24 Q. Is that accurate?

1 A. To my knowledge, yes.

2 Q. And you testified earlier that you
3 guys were in the same position, if you will,
4 from October until December 31 of '13?

5 A. Correct.

6 Q. And I believe --

7 A. '14 -- did you say December?
8 December 31 of '13 would work, yes.

9 Q. Right. And then you told me you
10 went January of '14 to a different job?

11 A. Correct.

12 Q. So from October of 2013 to December
13 31, 2013, did DeSantis make decisions about who
14 was going to be primary snow inspectors, who was
15 going to be backup, who was going to be called?

16 A. I would assume that he did.

17 Q. He testified that he didn't, that
18 he let you run the show and he was just going to
19 watch and learn because he didn't want to step
20 on any toes in the first three months. Is that
21 accurate?

22 MS. SHEEHAN: Objection to the
23 form. Go ahead.

24 A. I'd have to look and see when was

1 the first snowstorm. Did it snow in those first
2 three months?

3 Q. So what are you saying?

4 A. If it didn't snow --

5 Q. Well, we have a list of pay for
6 2012 and 2013 and 2014, and I can tell you there
7 were forty-two people who were paid for
8 snowstorms in the '13/'14 season and
9 twenty-three people that were paid in '12/'13.

10 A. Okay. He wasn't here in the
11 '12/'13, so that doesn't pertain to him. And if
12 you can tell me the dates --

13 MS. SHEEHAN: The dates for
14 the snowstorms in '13?

15 A. I don't recall working any
16 snowstorms.

17 Q. Okay. So let me ask this question
18 in a different way. Were you the person who
19 decided to hire -- who decided to put Jean in or
20 not put Jean in from October of 2013 to December
21 of 2013 for purposes of performing the function
22 of snow route inspections?

23 A. As I recall, she was on my list.

24 Q. Okay. So did you take her off your

1 list?

2 A. No.

3 Q. If somebody took her off the list,
4 it wasn't you?

5 A. Correct.

6 Q. Okay. And who would have taken her
7 off the list if it wasn't you and she was
8 removed from the list?

9 A. Who would have? I have no
10 knowledge of that. It would have been somebody
11 of a supervisory --

12 Q. Like Vinny DeSantis?

13 A. Like Vinny DeSantis, but you know.

14 Q. Who's your boss?

15 A. My boss was the director, Al
16 Chwalek but he retired, so Chris Cignoli became
17 the boss.

18 Q. Do you have any memory at all of
19 Chris -- how do you say Cignoli?

20 A. Cignoli.

21 Q. -- of him telling you or Vinny that
22 somebody should either be added or removed from
23 snow inspector?

24 A. No.

1 Q. Do you ever remember him getting
2 involved on that level?

3 A. No.

4 Q. So it's more likely than not that
5 it would have been Vinny -- if Jean was removed
6 from the list in 2013 into 2014, it's more
7 likely than not that Vinny was the person that
8 did it because you didn't do it?

9 MS. SHEEHAN: Objection to the
10 form. Go ahead and answer.

11 A. The only other person would have
12 been our immediate supervisor and you couldn't
13 spare her from her normal job during normal
14 hours.

15 Q. Okay. Who was that?

16 A. I have no idea. The city engineer
17 who changed several times. I can't even
18 remember the guy I worked for. His name was
19 Zach, maybe.

20 Q. Okay. So just stepping back a
21 second, when the posting was placed in September
22 of 2012 and October 2012, it was done with the
23 intent to get new people in to perform the
24 function of inspecting snow routes?

1 A. Correct.

2 Q. And that you believed there wasn't
3 enough people to perform that function?

4 A. Correct.

5 Q. Okay. And when you left, did you
6 have information -- and I'm talking about

7 January of 2015; is that right? When you left
8 in January of 2015, do you know if there were
9 enough people to perform the function of snow
10 route inspectors that were already in the
11 possession of the DPW?

12 A. I do not know.

13 Q. Okay. So I'm going to show you
14 something else that Vinny testified to and I can
15 show you the transcript. So Vinny testified
16 to --

17 MS. BRODEUR-McGAN: Counsel,
18 I'm referring to Pages 63 and 64 of
19 Vinny's deposition where he's referring to
20 a document that we marked as Exhibit 2 to
21 DeSantis' deposition.

22 Q. (By Ms. Brodeur-McGan) So before I
23 ask you about this document, do you know what
24 this document is?

1 A. It looks like a list of everybody
2 who was working snow.

3 Q. Okay. And do you know whether or
4 not this is a list you would have created?

5 A. It's not in the format I would use,
6 so I don't believe that I did.

7 Q. And there are how many names on the
8 list? And is this broken down between primary
9 and secondary?

10 A. It's two columns, primary and
11 secondary.

12 Q. So the list, the column that says
13 primary -- and this, by the way, says 2010 snow
14 inspection?

15 A. 2013.

16 Q. Excuse me, sorry, 2013 snow
17 inspection call list, correct?

18 A. Correct.

19 Q. These lists under primary
20 inspectors, is that a list of primary inspectors
21 that worked in the '12 to '13 snow season?

22 A. The first twenty are.

23 Q. Okay. And again, they're in that
24 order, so the first twenty would be those that

1 are on the list from '12 to '13?

2 A. I would surmise that, yes.

3 Q. Okay. So Vinny testified that this
4 list existed, Exhibit 2, there's twenty-six
5 names on the list, and that the only name he
6 added when he came in in October of 2013 is his
7 name?

8 A. Okay.

9 Q. So, do you believe that this list
10 was the list that you had for primary inspectors
11 for 2012 to 2013?

12 A. It appears to be a combination of
13 my list of primary inspectors and everybody else
14 who was involved in the control of operations.

15 Q. Okay. And so like zone inspectors
16 or --

17 A. Correct.

18 Q. And are all of those people under
19 primary? Are they all DPW people?

20 A. Yes.

21 Q. Okay. And the secondary list, does
22 that look familiar to you in any fashion as a
23 list that you would have started and handed over
24 to Vinny as being secondaries?

1 A. No recollection.

2 Q. Okay. Again, it would be helpful,
3 you had said earlier, maybe to look on the
4 computer to see if there's anything that still
5 exists that could refresh your memory; is that
6 right?

7 A. Okay.

8 Q. You don't have to agree with me,
9 sir.

10 A. It sounds right, yes.

11 MS. BRODEUR-McGAN: Okay.

12 Could I get a time stamp?

13 (Testimony marked at 12:44)

14 Q. (By Ms. Brodeur-McGan) And forgive
15 me, you said this is not the format you would
16 have kept this in. So this is not your
17 document, Exhibit Number 2?

18 A. I don't believe it to be my
19 document.

20 MS. BRODEUR-McGAN: Okay.

21 Let's take a quick break. Off the record.

22 (A recess was taken)

23 MS. BRODEUR-McGAN: Back on
24 the record.

1 A. He was in Control.

2 Q. So he was not a snow route
3 inspector?

4 A. No.

5 Q. And so would you say low or none,
6 experience?

7 A. He knew what to do. He had done
8 it, but I'll say low. That wasn't his function.

9 Q. Jankiewicz?

10 A. High.

11 Q. Knightly?

12 A. Low.

13 Q. Korman?

14 A. High.

15 Q. Laroe?

16 A. High.

17 Q. Mineo?

18 A. Low.

19 Q. Had he ever done it prior to
20 September of 2012?

21 A. I don't know.

22 Q. Okay. Do you know if he did it
23 prior to 2013?

24 A. He did work for me at some point,

1 document. Do you see that?

2 A. Okay.

3 Q. And were you involved in the
4 decision to have twenty primaries versus twenty
5 backups and post it as such in Exhibit 16?

6 A. That was my desire, yes.

7 Q. Okay. And was this really a --
8 kind of a summary of what you had already done
9 the prior year, the twenty being primary and the
10 twenty backup?

11 A. Yes.

12 Q. And it's just worded different in
13 this year?

14 A. Yes.

15 Q. Okay. And do you know if
16 Ms. Williams applied after October 2013?

17 A. I don't know.

18 Q. Okay.

19 A. Once somebody already has the
20 classification, they have to have the
21 classification, intermittent, permanent,
22 whatever they want to call it, temporary.

23 Q. What do you mean by that?

24 A. Our system -- if I was a laborer,

1 that was my permanent position as a laborer, but
2 I was an intermittent working maintenance
3 foreman. So when the working maintenance
4 foreman was out, I could be the working
5 maintenance foreman. I had that classification.
6 So we didn't have to do a posting every time we
7 needed a working maintenance foreman. There
8 were people that held the intermittent
9 classifications and could do the work.

10 Q. Okay. So do you know, in October
11 2013, when you were seeking -- you know, forty
12 more people apply, would Jean Williams have
13 already been on the list as an intermittent snow
14 route inspector?

15 A. That would be my recollection of
16 how it worked.

17 Q. And so she would arguably not even
18 have to apply?

19 A. That would be the way I would
20 interpret it, yes.

21 Q. And if you were making the decision
22 as to who was performing that function in
23 October of 2013 to '14 snow season, you would
24 have used Jean Williams had she already had the

1 designation of intermittent snow route
2 inspector?

3 A. Could you repeat that?

4 Q. If you were the boss making the
5 decision in October of 2013 of who was going to
6 do the snow route inspection function and she
7 had had the designation before, you wouldn't
8 even require her to apply before you would
9 consider her?

10 A. I would not have.

11 Q. Okay. So I'm going to show you --

12 MS. BRODEUR-McGAN: Could we
13 mark this?

14 (Exhibit 19, Memo, Departmental and
15 Interdepartmental Correspondence City of
16 Springfield, Massachusetts, dated 11/7/13,
17 marked for identification)

18 Q. (By Ms. Brodeur-McGan) Before we
19 look at 19, if there were already people who
20 were designated the prior year as snow route
21 inspectors, intermittent, that were added to the
22 list, if you will, because they applied and you
23 were still posting Exhibit 16, did this mean to
24 you that you still needed additional people to

1 apply to add to your docket of intermittent snow
2 route inspectors?

3 A. I would have posted it every year
4 going on because you lose people through
5 attrition and need to start training and
6 bringing people up to speed, and I was under the
7 opinion that you could never have too many
8 waiting.

9 Q. Okay. And so do you have a memory
10 prior to October of 2013, that you, particularly
11 you, wanted more people to apply so you would
12 have them in the wings?

13 A. Before 2013?

14 Q. Yes.

15 A. Before 2013, yes.

16 Q. Okay. And before October 2013
17 specifically?

18 A. After that point, I really didn't
19 care.

20 Q. Well said. Okay. I'm going to
21 show you Exhibit 19, which purports to be a memo
22 dated November 7, 2013. It says, "To snow
23 inspector writeins" and it says, "From Vinny,
24 snow inspection." Could you read that to

1 yourself?

2 A. Okay.

3 Q. So do you remember this? I mean,
4 this -- essentially Vinny says, thanks for
5 writing in, we picked twenty inspectors, they
6 have been notified; if you inspected before or
7 have been trained, you will be on our second
8 tier of inspectors; if you have never been
9 trained, we plan on giving everybody a chance.
10 Do you remember seeing that?

11 A. No.

12 Q. Do you remember talking to Vinny
13 about doing that?

14 A. No.

15 Q. Did you direct Vinny to do that?

16 A. No.

17 Q. Okay. And does it surprise you
18 that Vinny said that you're all set in October
19 of 2013?

20 A. No. It's November.

21 Q. November, excuse me, of 2013?

22 A. No.

23 Q. And were you aware that Jean was
24 writing the director --

1 MS. BRODEUR-McGAN: Let's mark
2 this as Exhibit 20.

3 (Exhibit 20, E-mails dated November 12,
4 2014; Exhibit 21, E-mail dated December
5 16, 2013, marked for identification)

6 Q. (By Ms. Brodeur-McGan) So Exhibit
7 20 is an e-mail chain. On the bottom starts
8 November 12, 2014, to DeSantis and then above
9 it, November 2014, is his response?

10 A. I wouldn't be aware of this
11 document.

12 Q. So you would not have been involved
13 in November of 2014?

14 A. No.

15 Q. Okay. Exhibit 21 is dated December
16 2013 to Al Chwalek from Jean?

17 A. Yes.

18 Q. Were you aware that Jean was
19 expressing a concern that she was not selected
20 to do snow inspection in the prior storm?

21 A. No.

22 Q. That never got to your attention?

23 A. No.

24 Q. Did anybody ask you from the City

1 as to whether or not Jean Williams was on any
2 list, either primary or secondary, after
3 December of 2013?

4 A. No.

5 Q. Did anybody, while you were still
6 with the City, come up and ask you about whether
7 or not Jean Williams was on a primary list, a
8 secondary list prior to December of 2013?

9 A. No.

10 Q. Okay. Did anybody at the City
11 prior to -- anybody at the City ask you whether
12 or not Ms. Williams was cut from being a snow
13 inspector by you or anybody else?

14 A. No.

15 Q. Okay. Do you remember when I was
16 asking you about the era of October of 2013 to
17 December 2013, when you and Vinny were
18 overlapping? Remember I was asking about that
19 overlap?

20 A. Yes.

21 Q. And I was saying to you that Vinny
22 said that he wasn't -- you know, he wasn't in
23 charge during that time, he wasn't making any
24 changes. And would you agree with me that

1 Vinny, at least in December of 2013, was making
2 decisions and directions about who was going to
3 be on snow inspectors and if you needed more
4 people to apply?

5 MS. SHEEHAN: Objection to the
6 form of the question. I think the exhibit
7 speaks for itself. Go ahead.

8 A. I had laid out everything and what
9 he did was on him. I can't speak -- it looks
10 like he was making decisions.

11 Q. Okay. I'm just trying to get a
12 sense if you would agree with his summary that
13 he didn't make decisions during that period of
14 time, that it was your decision who was primary
15 and secondary inspectors from October of 2013 to
16 December of 2013?

17 MS. SHEEHAN: Objection to the
18 form.

19 A. I don't consider myself to have
20 been the lead person during that time.

21 Q. Instead it would have been Vinny?

22 A. Yes. On paper it was probably me,
23 but he was a quick study and learned.

24 MS. BRODEUR-McGAN: Okay.

1 Well, I think it's a good time to stop.
2 Thank you for your patience today. Off
3 the record.

4 (A recess was taken)

5 MS. BRODEUR-McGAN: Back on
6 the record. I'm going to mark this as the
7 next exhibit.

8 (Exhibit 22, Answer to Complaint, marked
9 for identification)

10 Q. (By Ms. Brodeur-McGan) Do you see
11 this Paragraph 6? Can you read that to
12 yourself?

13 A. Okay.

14 Q. Were there secondary inspectors
15 that worked for the snow route inspections?

16 A. I'm not sure what is meant by that
17 answer because there's backup and secondary. To
18 me, it's all interchangeable. I'm not sure what
19 they're referring to.

20 Q. Okay. Same thing in seven, using
21 secondary and backup in that sentence as well.
22 Can you read that to yourself?

23 A. Yes. I'm not sure what they mean.

24 Q. Okay. And so for the period of

1 time at least until December of 2013, you were
2 aware that there were primary inspectors and
3 there was a classification called secondary or
4 backup inspectors?

5 A. There wasn't necessarily a
6 classification. It was -- the classification
7 was snow inspector, snow route inspector. The
8 lists had some sort of status, primary versus
9 secondary, but everybody had the same
10 classification.

11 Q. Okay. But there were lists that
12 had different classifications on them as far as
13 if they were going to be called first versus not
14 called first in the event of a storm?

15 A. I wouldn't use the word
16 "classification." It was just these people are
17 up first. In the event they're not available,
18 you go to the next person on the list.

19 MS. BRODEUR-McGAN: Okay. I
20 think this is a good place to stop.

21 (Deposition suspended)
22
23
24